

CODE: 0125

Mirko Schacke

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(Mailing address)

Antioch, CA, 94531

(City, state, zip code)

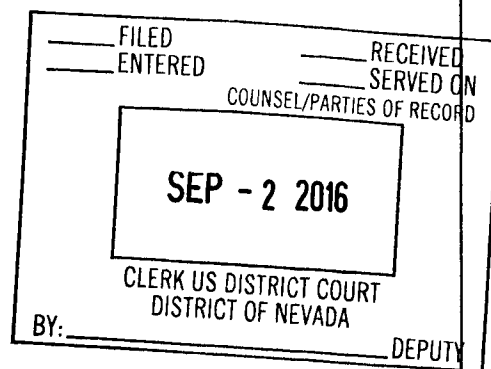
727-277 1094

(Telephone number)

mcschacke@yahoo.com

(E-mail address)

☐ Plaintiff/ ☒ Defendant/ ☐ Other (specify) _____,
In Proper Person



**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

UNITEST STATES COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff(s),

vs.

TRADEMASTERSUSA, LLC and MIRKO SCHACKE an
individual,

Defendant(s).

Case No.: 2:16-cv-01938-GMNNJK

Dept. No.: [INSERT DEPT. NO.]

Date of Hearing: 08/26/2016

Time of Hearing: 9:00

**OPPOSITION TO PLAINTIFFS MOTION FOR A CONTINUANCE OF THE HEARING ON
PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

(Insert your name) Mirko Schacke and Trademastersusa, the (check one box for you) ☐

Plaintiff/ ☐ Defendant/ ☒ Other (specify) _____ in this case, opposes the (insert name of motion
you're opposing) PLAINTIFFS MOTION FOR A CONTINUANCE OF THE HEARING ON

PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION, which was filed by (insert other side's
name) United States Futures Trading Commission, the (check one box for other side) ☒ Plaintiff/ ☐
Defendant/ ☐ Other (specify) _____ in this case.

My opposition is based upon and supported by the following Memorandum of Points and
Authorities, the pleadings and papers on file with the Court, the attached declaration and exhibits, and any
argument the Court may allow at the time of hearing.

MEMORANDUM OF POINTS AND AUTHORITIES

1 I oppose the motion on file with the Court for the following reasons and based upon the facts,
2 law, and legal analysis below:

3 On 08/24/16, I the Defendant received the summons for hearing on 08/26/2016. Then by chance
4 on 08/24/16 the Defendant also received an email from the Plaintiff stating a hearing scheduled for
5 08/25/16 would be rescheduled and not be held on 08/25/16. Then on 08/25/16 Defendant received an
6 email from Plaintiff that now the hearing would be on 08/26/16. To the Defendant this was rather
7 confusing. Defendant is not checking emails on a daily basis and emails are not a sufficient way to
8 communicate important schedule like this. Defendant also was not given the required 10 days time frame
9 after plaintiff's filing and/or serving the summons to defendant. The defendant has to be given at least 10
10 days between summons/motion for hearing and scheduled date of hearing. Furthermore the plaintiff and
11 Court requested a hearing date which is not feasible to the defendant because of the very short notice. The
12 defendant is requesting in separate motion information from the plaintiff regarding its discovery, witness
13 testimonials and other necessary information gathered in this case, before scheduling a hearing. The
14 defendant also experiences hardship at this moment due to his arised divorce and child custody case.
15 Defendants wife is currently trying to move out of state with his children. Defendant is currently moving
16 out of the current home and is (urgently) looking for a new place to stay. Defendant also just started a
17 new employment and can't take time off with this short notice given without jeopardizing his new
18 employment. Defendant assumes a place to stay and resolution of his ongoing divorce and child custody
19 case within the next two months. Defendant asks the Judge politely to schedule the hearing to any date in
20 November 2016

21 For the reasons stated above, the Court should deny the pending motion.

22 DATED this 25th day of August, 20 16.

23 I declare under penalty of perjury under the law of the State of
24 Nevada that the foregoing is true and correct.

25 **Mirko Schacke**

(Signature)

Mirko Schacke

(Print Name)

☐ Plaintiff/ ☒ Defendant/ ☐ Other, In Proper Person

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on *(insert date document was served)* 08/25/2016, I served the above *(insert name of document)* OPPOSITION TO PLAINTIFFS MOTION FOR A CONTINUANCE OF THE HEARING ON PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION, pursuant to NRCP 5(b), by depositing a copy of the same in the United States Mail in Las Vegas, Nevada, postage prepaid, to the address listed below *(insert names and mailing addresses of opposing parties' attorneys, or opposing parties directly if no attorneys)*:

U.S. Commodity Futures Trading Commission, 525 W. Monroe Street, Suite 1100

~~Chicago, IL 60661~~

Division of Enforcement

(Insert date, signature, and name of person mailing document:)

DATED this 25th day of August, 20 16.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Mirko Schacke

(Signature)

Mirko Schacke

(Print name)

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